

Appl. No. 10/566,332
Amdt. Dated August 3, 2010
Reply to July 28, 2010 Notice of
Non-Compliant Amendment (37 CFR 1.121)

Attorney Docket No. 81880.0136
Customer No.: 26021

REMARKS/ARGUMENTS

By way of this response, claims 1-16 and 25-27 are canceled without prejudice. Claims 17, 19, and 21-24 are amended. Claims 17-24 are pending. Reexamination and reconsideration of the claims, as amended, are respectfully requested.

CLAIM REJECTION UNDER 35 U.S.C. 112

Claim 19 stands rejected under 35 U.S.C. 112, second paragraph as indefinite. Specifically, the Action rejects claims 11 because the terms "AE" and "AEO" are allegedly undefined in the claim. Claim 19 is amended to recite the limitations "in concentrations of... 350 ppm or less AE, wherein AE is a group II element of the periodic table" and "in terms of AEO, wherein AEO is a compound containing the AE and O."

Thus, the 35 U.S.C. 112 issues argued by the Action are remedied, and the 35 U.S.C 112 rejection of claim 19 should be withdrawn. Such withdrawal is respectfully requested.

ALLOWABLE CLAIM

The Action at page 3 indicates that claim 17 is objected to for depending from rejected claim 16, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claim 17 depends directly from claim 16, so there is no intervening claim. By way of this response, claim 17 is amended to independent form and incorporates all the limitations of claim 16. Thus, claim 17 is allowable over the cited art, and allowance is respectfully requested.

Appl. No. 10/566,332
Amtd. Dated August 3, 2010
Reply to July 28, 2010 Notice of
Non-Compliant Amendment (37 CFR 1.121)

Attorney Docket No. 81880.0136
Customer No.: 26021

CLAIM REJECTION UNDER 35 U.S.C. 102 and 103

The outstanding rejections under 35 U.S.C. 102 and 103 are as follows:

1. Claims 15, 16, and 18-22 stand rejected under 35 U.S.C. 102(b) as anticipated or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fujita (U.S. Publication 2003/0,034,130); and
2. claims 15, 16, and 18-22 stand rejected under 35 U.S.C. 102(b) as anticipated or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 2001-1181042.

Claims 15 and 16 are canceled, and therefore, the 102 and 103 rejections of those claims are moot.

Claim 17 is amended to independent form and is allowable, as discussed in the "allowable claim" section above. Claims 18-22, as amended, depend from claim 17, and are accordingly allowable for at least the same reasons as claim 17. Thus, the allowance of claims 18-22 is respectfully requested.

CONCLUSION

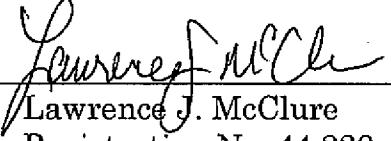
In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 785-4600 to discuss the steps necessary for placing the application in condition for allowance.

Appl. No. 10/566,332
Amtd. Dated August 3, 2010
Reply to July 28, 2010 Notice of
Non-Compliant Amendment (37 CFR 1.121)

Attorney Docket No. 81880.0136
Customer No.: 26021

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN LOVELLS US LLP
By: 
Lawrence J. McClure
Registration No. 44,228
Attorney for Applicant(s)

Date: August 3, 2010

1999 Avenue of the Stars, Suite 1400
Los Angeles, California 90067
Phone: (310) 785-4600
Fax: (310) 785-4601